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CASE & COMMENT

MONTHLY

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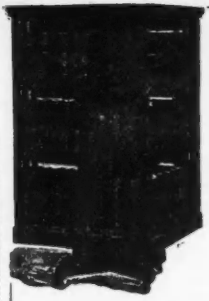

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Case and Comment

NOTES OF

RECENT IMPORTANT, INTERESTING DECISIONS

INDEX TO ANNOTATION OF THE LAWYERS' REPORTS, ANNOTATED

LEGAL NEWS NOTES AND FACETIÆ

VOL. 12. OCTOBER, 1905. NO. 5.

CASE AND COMMENT

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Political Contributions by Corporations.

Recent revelations of large campaign contributions by great life insurance companies have merely brought into clear light and absolute certainty facts of which the public was really in no doubt before. Positive knowledge of these facts has created a profound impression, and ought to lead to the complete abolition of this form of partnership between the corporations and the politicians.

The effect upon the public welfare and the public morals, and especially upon the honesty of the relations between the corporations and the public officials, is a very vital matter. Conceding that in a national campaign there may possibly be occasions on which the president or other officer of a corporation may honestly think the contribution to the campaign is in the public interest, his use of the funds of the stockholders for any such purpose is clearly an appropriation of them for something entirely outside of the range of the business of the corporation, the purposes for which it was chartered, or those for which the funds were placed in his trust. The discretion of any officer of the corporation, or of the board of directors, in its management, can be stretched to cover such use of corporate funds only, if at all, in the extreme cases in which, by the articles of association, or by the course of business, they have been given practically unlimited and irresponsible authority to use the funds in any way they see fit. Actions to compel the president or other officer of the corporation, who has made such gifts, to replace the funds in the treasury of the company, ought to be brought in every instance in which it is found that such contributions have been made. But the more serious feature of the case is the inevitable tendency of such gifts to work corruption in various directions. Everybody knows that a vast campaign fund is most demoralizing in its effects upon the honesty of elections. While much of it goes, undoubtedly into the pockets of the political workers, who are expected to pass it along to other people, without being too particular as to the moral quality of the transaction by which they swell the party vote, and while there is, of course, room for a very large honest expenditure of money in a campaign, no practical politician, familiar with the workings of elections and the methods of those who bring in the votes, can be unaware that in almost every community a large campaign fund means that the worst elements of the party are stimulated to their worst, and the corruption of voters greatly increased. So long as politicians in the legislature block the way to the enactment of any law which will com-

pel a full accounting for the expenditure of campaign funds this must be the condition of things whenever a large fund is expended. Therefore, the mere fact of great gifts by corporations is in itself a public evil.

The motive for most, at least, of the political contributions by corporations, is the private interest of the corporation itself, and not the public welfare. Even if corporate officers were fully authorized by their stockholders to make such gifts, the very purpose of them is in most instances, at least, a corrupt one; it is to secure an illicit influence with the party that may happen to be in power, and with the officers who may have to do with matters affecting the business or interests of the corporation. When a corporation gives $50,000 or $100,000, more or less, to politicians for campaign purposes, it does it with the distinct and deliberate purpose, though doubtless usually without any explicit agreement, to influence the attitude of the officials, and of the powerful politicians who are behind and who may control them, in favor of the corporation. It would be hard to conceive of any method more effective, more far-reaching, more pernicious, than that of making great and apparently voluntary contributions for the purpose of acquiring such political influence as effectually to preclude any legislative or other official action which would be unwelcome to the corporations. Gratitude for the contributions already made, and hope of greater ones in the future, create political influence so potent as to enable the corporations to feel a practical immunity from unwelcome activity in their direction by the representatives of the government. It is in this way, by merely tacit understanding, that a practical partnership is built up between the great corporations and the powerful politicians, by which they hold the interests of the public at their mercy, and trample upon them without mercy whenever they conflict with the interests of the corporations. This, somewhat roughly put, is, at least in many cases, the practical result of great campaign gifts by corporations. It is the inevitable tendency of such gifts in all cases.

A tender regard of officials, both legislators and administrative officers, for the welfare of the corporations with whom they have to do, is the natural result of knowledge that the triumph of their party and their own election are more or less to be attributed to the substantial aid of such corporations. A man must have more than ordinary moral stamina to be unaffected by such influence. Favors of this kind will at the least make most men even those who mean to be honest, give a corporation the benefit of the doubt in every case in which its interests conflict with those of the public. An administrative officer in such a case is likely to accept any showing which the corporations make, and kindly refrain from asking too many questions or probing too deeply into their corporate affairs. Arguments more specious than sound find ready acceptance with many legislators when presented by those to whom they wish to be good. In this way the influence of the corporations which make these great contributions for political purposes can easily become so great that only a tidal wave of moral reform, a crusade against graft, or some upheaval of that kind, can get past the official barriers, unearth the facts, and secure public justice against the intrenched corporations.

The corporations also become victims as a necessary result of the system. Those astute grafters who introduce "strike" bills into the legislature in order to get substantial considerations for smothering them quickly learn that great corporations are an easy mark. Testimony before the legislative investigating committee in New York emphasizes this fact. In order to escape these political bandits the corporations may have hoped to buy immunity by giving large sums directly to the political managers or bosses. This may save some trouble and annoyance, even if it does not save any expense. But either way the corporation finds itself a victim of its own attempts to secure illicit political protection or favor.

A suggestion that the nature of the transaction is that of a conspiracy between corporations and politicians to defeat justice and the law would be bitterly resented by the prominent citizens who control the corporations and make the gifts; yet in substance that is what it amounts to. Little money from corporations would get into campaign funds if the corporations did not expect, as a consideration for it, to benefit from political influence. Aside from the fact that such gifts are usually a fraud upon the stockholders, they involve corrupt

purposes on the part of those who give and those who take them, and a corrupt control of public officers. There is no reason that has ever been suggested why corporations ought to make contributions for political campaigns. The reasons why they should not are clear and strong.

Statutes, both state and national, ought to be promptly passed to make such gifts by corporations unlawful beyond a doubt. The only conceivable reason why any man should vote against such a law, properly drawn, would be that he thought he or his party needed the money. Attention is now called to a bill introduced by Senator William E. Chandler, of New Hampshire, in the United States Senate, in February, 1901, entitled: "A Bill to Prohibit Corporations from Making Money Contributions in Connection with Political Elections." The bill was short, and, in effect, made it unlawful for any Federal corporation, or any corporation engaged in interstate or foreign commerce, to make such contributions, or for any corporation whatever to make such a contribution in connection with any election at which a member of Congress was to be chosen. This is probably the extent to which Congress has power to regulate the subject. Not only Federal corporations, but those engaged in interstate or foreign commerce, are within its provisions, and these seem clearly within the control of Congress. But the power to safeguard Federal elections seems to give equal authority to Congress to restrict contributions at such elections from corporations of any kind. With the present state of public sentiment, it may be doubted if any considerable number of legislators, either in Congress or in state bodies, would dare to oppose such legislation. Opposition to such a bill would be unmistakably a struggle to perpetuate a system of graft.

Parental Liability for Children's Crime.

The parents of minors who commit crimes, whatever their moral responsibility may be, have not hitherto, at least in most jurisdictions, been held to any legal liability therefor. In New York, however, by chapter 655 of the Laws of 1905, such legal liability is created to a limited extent. If any parent or guardian of a child under sixteen years of age (except in the city of New York) omits to exercise due diligence in the control of such child to prevent violation of the law, such negligence constitutes a misdemeanor. Another provision makes it also a misdemeanor for any person to encourage or contribute to any violation of the law by such child. This does not go so far as the Chinese law, by which in some instances it is said parents are executed for heinous crimes of a child, on the theory that, if they raise such a criminal, they must take the consequences. This justice, if it be justice, is somewhat crude. But nothing can be reasonably said against the justice of the provisions of the New York law, which limit the liability of the parent or guardian to cases of neglect of the duty to use due diligence for the proper control of the child. The enforcement of this law will undoubtedly create a keener sense of responsibility on the part of some parents and guardians, and consequently prevent much juvenile crime. The law is so obviously just and useful that one may wonder that it was not long ago enacted. It may well be adopted in every state.

Graft in the Management of Corporations.

The exploitation of the business of a corporation by its officers or directors for their own private gain, at the expense of the stockholders, is a subject that has been brought conspicuously to public attention by the revelations of the grafts worked by certain life insurance officials. It seems to have been their regular system of doing business to use the funds of the corporation in speculation for their own individual profit, and to act in general as if the trust funds in their hands were theirs to use as they chose for their own pleasure and profit. The extent to which grafts of this kind were carried by men supposedly honest is well-nigh incredible.

Aside from the keen public interest in these revelations because of the vast number of policy holders affected, attention is very sharply directed to the general question of the relation between officers and directors of a corporation and the stockholders in respect to the management of its af-

fairs. The fiduciary character of the managers is, of course, perfectly understood by everybody. The general doctrine that the discretion of directors cannot be controlled or interfered with by the courts so long as it is exercised honestly by no means extends so far as to make them irresponsible and their action final, if they have acted in bad faith against the interest of other shareholders. The organization of subsidiary corporations by the directors and managers of a corporation has become somewhat common. In dealings between these and the original corporation it is easy for the managers to give them an unfair advantage. To do so may be much more profitable to themselves. But it is certain that the courts look with sharp scrutiny at the dealings between two corporations controlled by the same men, when stockholders in one of them seem to have been wronged thereby. The fact that some, or a majority, of the directors of two corporations are common to both, is generally held not to make a contract between the two companies absolutely void, or to prevent its ratification. But, if the directors wrongfully and wilfully use their powers to the prejudice of one of the corporations, their action can be avoided as in any other case of actual fraud. In a note to the case of San Diego, O. T. & P. B. R. Co. *v.* Pacific Beach Co. (112 Cal. 53, 44 Pac. 333), as reported in 33 L. R. A. 788, where contracts of this kind are considered at length, the general doctrine above declared is sustained, and it is made clear that in every case where a director has in fact an interest adverse to the corporation that he represents in making the contract his act may be repudiated, whether he is interested adversely as an individual merely, or as a member of another company. The authorities are clear on this point. A presumption of unfairness in contracts between companies having common directors is declared in some cases, but the majority hold that the transaction is presumed to be fair until there is some showing of circumstances to indicate the contrary. When such circumstances exist it is, of course, beyond question that the stockholders of the injured corporation may have a remedy against transactions in which they have been misrepresented and wronged by their directors. The natural result of the exposures in the case of the Equitable Insurance Company will be to invite closer scrutiny as to transactions between corporations having common directors, and to check the apparently increasing tendency of directors in many corporations to regard it as something of a personal privilege for them to manipulate the business of the company, not strictly for the profit of the stockholders, but in part, at least, to secure an illicit advantage and profit for themselves.

Manslaughter by Running Automobile.

A conviction of manslaughter for running over a person with an automobile was recently reported by the daily press in a Philadelphia case where a child five years old was struck and killed, and the driver of the machine after the accident put on more speed and escaped. On a verdict of guilty a sentence of eighteen months' imprisonment was imposed. The case may be appealed, and possibly the conviction may be reversed; but in any event it is a reminder of the fact that the reckless killing of a person, whether by an automobile or by any other means, may constitute manslaughter. Another case widely published by the press was that of the conviction, in Paris, of a wealthy American for the same offense. Other cases of persons killed by automobiles have been reported in numbers sufficient to show that the question of the criminal liability of those who run the machines in such cases is a matter of some public interest. Many gentlemen run automobiles with full regard for the rights and safety of others; but a powerful machine, capable of tremendous speed, is a dangerous thing in the hands of an inconsiderate or reckless person; and with the great multitude of machines now in use, it is inevitable that many such persons will own or hire automobiles. Criticism and complaint against automobilists must not be unreasonable. They should be subjected to no more severity of treatment than the drivers of other vehicles who endanger the public. But the greater the power and speed, and the greater the danger, the greater must be the care to avoid harm. It is not unfair to automobilists to enforce against them the well-established principle of the law of negligence, that the care must be proportionate to the danger, and the further rule of the

criminal law which makes the negligent killing of a person manslaughter. With the sudden and great multiplication of these vehicles in the streets the law of the subject cannot be brought home to the public too clearly or sharply.

A Correction.

Our attention has been called to the misleading character of a phrase in the item on Christian Science, in CASE AND COMMENT for September, referring to the New Hampshire case of Spead v. Tomlinson, 68 L. R. A. 432, in which it is stated that the case holds that the consent of a patient to be treated by a Christian Science healer precludes him from holding the healer liable in damages for failing to effect a cure, "although that method of treatment is illegal under the statutes of the state." As this clause might be understood to state as a fact that the statutes of the state do make that method of treatment illegal, it is misleading. The meaning intended is better expressed by saying that liability in such case does not exist, even if that method is illegal, or whether it is illegal or not. As a matter of fact, the court did not pass on the question of the legality of that mode of treatment, but merely held that the healer was not liable in damages to the patient if the latter consented to the treatment, because, if it were illegal, the patient was as much to blame as the healer for relying upon it. A correspondent calls attention to the fact that the Session Laws of 1897, chap. 63, § 11, relating to the registry of physicians for the practice of medicine, expressly exempts persons practising Christian Science from the application of the act. The case did not turn upon this statute. The court, however, referred to Pub. Stat. 1891, chap. 278, § 8, making the killing of a human being by culpable negligence manslaughter, and said that, assuming, without deciding, that Christian Science treatment is forbidden by that statute, or by the common law, which makes it unlawful to do what is likely to endanger the life or health of others, yet, as the plaintiff knowingly employed this kind of treatment, there could be no recovery of damages for its failure to effect a cure.

Index to New Notes
IN
LAWYERS' REPORTS, ANNOTATED.

Book 68, Parts 5 and 6.

Mentioning only complete notes therein contained, without including mere reference notes to earlier annotations.

Among the New Decisions.

Action.

A surety on a bond given in a judicial proceeding, conditioned to pay the eventual condemnation money, is held, in Carlton *v.* Price (Ga.) 68 L. R. A. 736, to be entitled to intervene in the proceeding where the principal is insolvent, and does not defend in good faith, or where the surety has a defense peculiar to himself, which the principal is under no legal obligation to plead.

Banks.

A bank which has accepted a check on deposit, with the depositor's indorsement, is held, in Aebi *v.* Bank of Evansville (Wis.) 68 L. R. A. 964, to discharge the indorser from liability thereon by failing to notify him of its nonpayment for nearly a month, notwithstanding it was lost in the mail when forwarded for collection, and the bank waited in the hope that it would reach its destination.

Bills and Notes.

A note containing no name of a payee, nor space to insert it, is held, in Smith *v.* Willing (Wis.) 68 L. R. A. 940, not to be negotiable.

Burglary.

Raising a window partly open so as to create an aperture sufficient to admit of entrance into a building, which is subsequently effected through the opening, is held, in Claiborne *v.* State (Tenn.) 68 L. R. A. 859, to be a sufficient breaking to come within the statute defining burglary as the "breaking and entering into a mansion house by night with intent to commit a felony."

Carriers.

A passenger on a street car, injured by its collision with a wagon at a street crossing, is held, in Black *v.* Boston Elevated R. Co. (Mass.) 68 L. R. A. 799, to have no right to recover from the street car company for his injuries, although he was in the exercise of due care, if the evidence tends to show that the collision was due to the negligence of the person in charge of the wagon.

A street car company which stops its cars for the purpose of receiving passengers is held, in Normile *v.* Wheeling Traction Co. (W. Va.) 68 L. R. A. 901, to be charged with the highest degree of care to see that all passengers lawfully entering its cars get to a place of safety thereon before starting the cars.

Car-Service Associations.

See COMBINATIONS.

Combinations.

A car-service association organized by railroad companies to insure the prompt, accurate, and impartial assessment of demurrage according to rules approved by the state railroad commission is held, in Yazoo & M. Valley R. Co. *v.* Searles (Miss.) 68 L. R. A. 715, not to be illegal under the clause of a statute forbidding the formation of trusts or combines to place the control of business, or the products or earnings thereof in the power of trustees, or by which any other persons than the members of the combine, their proper officers, agents, and employees, shall have the power to dictate or control the management of the business.

Corporations.

See also LIMITATION OF ACTIONS.

The right of an individual to challenge the corporate capacity of a foreign corporation as a defense to its right to recover is sustained in Myatt *v.* Ponca City Land & I. Co. (Okla.) 68 L. R. A. 810, where, in an action between him and the corporation, the latter attempts to acquire title to property vested in such individual.

Corpse.

A right of action is held, in Koerber *v.* Patek (Wis.) 68 L. R. A. 956, to exist against one who, on being granted permission to examine the stomach of a corpse, removes it from the body and refuses to return it, so that the body has to be buried in a mutilated condition.

Deeds.

An exception of a right of way, which will inure to the benefit of the heirs and assigns of the grantor, is held, in Dee *v.* King (Vt.) 68 L. R. A. 860, to be created by a clause in a deed of a strip of land "reserving the privilege of a pass . . . in my usual place of crossing," where the pass was used to reach other land of the grantor difficult of access by any other route.

Dentists.

The right to require a license to own, run, or manage a dental office, to be granted after examination as to fitness, is denied in State *v.* Brown (Wash.) 68 L. R. A. 889, where there is no intention of engaging in the actual practice of dentistry.

Dower.

The dower right of a married woman is held, in Lewis *v.* Apperson (Va.) 68 L. R. A. 867, not to be barred by a deed signed by herself and a court commissioner, conveying her husband's real estate, to which he is not a party, under a statute providing for the barring of such right "when a husband and his wife" have signed a writing purporting to convey his real estate.

Fires.

See RAILROADS.

Hacks.

The right of a union depot company to grant to a transfer company the exclusive right to use a designated portion of its depot grounds for the purpose of standing thereon its hacks and vehicles, and of soliciting the patronage of incoming pasengers, is sustained in State *ex rel.* Sheets *v.* Union Depot Co. (Ohio) 68 L. R. A. 792.

Husband and Wife.

See DOWER.

Infants.

That equity will refuse to impose a lien upon the property of a minor in favor of one who advances money at his request to redeem the property from a mortgage sale, is held in Burton *v.* Anthony (Or.) 68 L. R. A. 826, notwithstanding his agreement that the claim shall be secured by a lien on the property.

Insurance.

The right of a carriage maker having in his possession a carriage belonging to a customer for repair and sale on the customers account to insure the customer's interest therein by a policy taken in his own name is sustained in Johnston *v.* Charles Abresch Co. (Wis.) 68 L. R. A. 934.

Jury.

Jurors who have rendered a verdict of guilty in a trial of one person for bribery are held, in People *v.* Mol (Mich.) 68 L. R. A. 871, not to be impartial, within the constitutional requirement, so as to be competent to serve at the trial of another person indicted for the same offense, and whose guilt depends upon practically the same evidence as that offered at the other trial, and the bearing of which upon his guilt must have been considered at that trial.

Labor Unions.

Communicating with customers of a merchant in furtherance of a conspiracy to ruin his business, for the purpose of inducing, persuading, or compelling them, by threats or intimidation, to withhold their custom from him, is held, in My Maryland Lodge *v.* Adt (Md.) 68 L. R. A. 752, to be wrongful and illegal.

That it is not criminal for a labor union to publish a statement that a merchant is unfair, and that its members will not work

material sold by him, for the purpose of inducing the public to refrain from purchasing material from him for fear of incurring the ill will of the union, is held in State *v.* Van Pelt (N. C.) 68 L. R. A. 760.

Lateral Support.

A landowner is held, in Kansas City N. W. R. Co. *v.* Schwake (Kan.) 68 L. R. A. 673, to have no right to recover damages for injury to lateral support of his property until the earth is so much disturbed that it slides or falls, since the actionable wrong for impairment to lateral support is not the excavation, but the act of allowing the land to fall.

Limitation of Actions.

For the purpose of determining which clause of the statute of limitations is applicable, it is held, in Fowlkes *v.* Lea (Miss.) 68 L. R. A. 925, that a recital of the consideration in a conveyance of real estate creates a contract in writing, although the vendee makes no express promise to pay.

The running of the statute of limitations against a right of action by a corporation to recover fraudulent profits made by its promoters is held, in Pietsch *v.* Milbrath (Wis.) 68 L. R. A. 945, not to be prevented by the fact that they are in control of the corporation, so as to prevent anyone from obtaining knowledge of the facts.

Malicious Prosecution.

Advice of a public prosecutor that a statutory offense has been committed, based upon a fair and full disclosure of the facts, is held, in Cooper *v.* Flemming (Tenn.) 68 L. R. A. 849, to protect the prosecuting witness from an action for malicious prosecution, although it is based upon an erroneous construction of the statute.

Master and Servant.

A statute making employees having charge of others superior servants, not only as to them, but as to subordinate employees in other departments of the service, but permitting the doctrine of fellow servants to be applied as between superior servants generally, is held, in Kane *v.* Erie R. Co. (C. C. A. 6th C.) 68 L. R. A. 788, not to deny any employee the equal protection of the laws.

The liability of a master for injuries caused by a brakeman who wantonly and wilfully kicks a trespasser from a moving car is sustained in Dixon *v.* Northern Pacific R. Co. (Wash.) 68 L. R. A. 895, unless entire absence of authority of brakemen to eject trespassers is shown.

Mines.

A relocation of a mining claim is held, in Wilson *v.* Freeman (Mont.) 68 L. R. A. 833, to be absolutely void, where the declaratory statement does not show compliance with the statutory requirement that a new discovery shaft shall be sunk, or that the old one shall be deepened 10 feet.

Municipal Corporations.

An ordinance by the terms of which a farmer is, in effect, prohibited from selling the products of his farm, with the exception of milk, fish, and game, without first taking out a license from the city, is held, in *Re* Snyder (Idaho) 68 L. R. A. 708, to be invalid.

Parent and Child.

A minor child is held, in Roller *v.* Roller (Wash.) 68 L. R. A. 893, to have no right of action against her father to recover damages for rape committed by him upon her.

Physicians and Surgeons.

A statute defining the practice of medicine so as to include every method of treating disease when done for gain, and requiring practitioners to obtain a license from a board composed exclusively of doctors of medicine, is held, in Territory *v.* Newman (N. M.) 68 L. R. A. 783, not to be unconstitutional as class legislation.

Principal and Surety.

See ACTION.

Railroads.

See also TELEGRAPHS.

That a railroad company may be found

negligent in running a heavy freight train up grade at double its schedule speed when no necessity is shown therefor, and where, by reason of dryness of the season, and heavy wind, and proximity of inflammable buildings, there is great danger of setting fire to buildings, is declared in Norfolk & W. R. Co. *v.* Fritts (Va.) 68 L. R. A. 864.

Rape.

See PARENT AND CHILD.

Receivers.

That equity will not appoint a receiver to take charge of the assets of a mining corporation at the suit of one who has brought an action for damages against it on the ground that it is exhausting the mines and turning the proceeds into dividends, which it pays out to stockholders for the purpose of defeating a recovery on plaintiff's claim, is held in Slover *v.* Coal Creek Coal Co. (Tenn.) 68 L. R. A. 852.

Sale.

Failure to make payment for articles delivered under a contract for the manufacture of articles, during a series of years, to be delivered in instalments when ordered, and to be paid for as delivered, is held, in Ross Meehan Foundry Co. *v.* Royer Wheel Co. (Tenn.) 68 L. R. A. 829, to entitle the manufacturer to declare the contract rescinded, and decline to make further deliveries under it.

Street Railways.

See CARRIERS.

Telegraphs.

A telegraph company which has executed a written license to construct its line along a railroad right of way, by the expenditure of money in the construction of the line, is held, in Western U. Teleg. Co. *v.* Pennsylvania Co. (C. C. A. 3d C.) 68 L. R. A. 968, to have acquired an interest in the realty, so that the license has become nonrevocable.

Trusts.

See also COMBINATIONS.

A resulting trust enforceable in equity is held, in Avery *v.* Stewart (N. C.) 68 L. R. A. 776, to arise where one person, at another's request, takes the title to real estate under an express agreement to hold it for, and convey it to, the latter upon the repayment of the purchase money.

Vendor and Purchaser.

That a contract of sale of land in gross may be rescinded on the ground of a mutual and innocent mistake as to the quantity of land in the tract sold, resulting in a large excess or deficiency, no other ground for relief being shown, is denied in Newman *v.* Kay (W. Va.) 68 L. R. A. 908.

New Books.

"A Suit in Equity in the Federal Courts." By W. S. Simkins. Austin, Texas. Von Boeckmann-Jones Company. 1904. 1 Vol. $5.

This is a compact work by a professor of law in the University of Texas. The work consists of what was originally a series of lectures to the senior classes in the law department of the university. It has appealed to lawyers so strongly, however, that it has had already a large sale, and it is of unquestionable value to attorneys who are seeking a guide as to the conduct of an equity case in a Federal court.

"Special Verdicts and Special Findings by Juries." Based on the Decisions of All the States. By George B. Clementson. St. Paul, Minn. West Publishing Company, 1905. 1 Vol. $3.75 delivered.

This is a manual which is the first distinct treatise on the subject. Special verdicts and findings by juries are of great importance in a large number of states and territories. A demand for findings on some of the specific facts involved, even when a general verdict is also rendered, is made in some of the jurisdictions in almost every damage suit. In

every jurisdiction where this practice obtains this work will be of more than ordinary interest.

"Elements of Business Law." With Illustrative Examples and Problems. By Ernest W. Huffcut. Boston, Mass. Ginn & Company. 1 Vol. $1. Mailed, $1.10.

This book by the dean of the Cornell University College of Law, intended for students in commercial courses, presents the leading principles of business law, with simple, concrete examples and problems showing their application. A large number of forms is included, also questions of employment and industrial conditions generally. It is very compact and clearly stated.

"Lawson on Contracts." 2d ed. 1 Vol. $5 net.

"General Election Laws of Kansas Systematized for the Convenience of Electors and Election Officers." Revised edition. Paper, 25 cts.

"Supplement to Paine's Banking Laws." 1904–1905. Pamphlet, 50 cts. Postpaid. Paine's Banking Laws with Supplement," $5 Postpaid.

"Morrison's Mining Reports." Vol. 21. $5.

"Illinois Appellate Court Reports," Vol. 116. $3.50.

"Wisconsin Reports." Vol. 122. $2.50.

"Mason on Highways." (New York) 4th ed. Sheep, $2.50.

"Statutory Revision of the Laws of New York Affecting Miscellaneous Corporations, Enacted in 1892," Indexed with Amendments of 1905. By Andrew Hamilton. Buckram, $2.

"Cases Cited in the New Jersey Reports." By Florence I. Ennis. Buckram, $3.

"Township Officers' Guide." (Kansas.) 11th ed. Paper, 75 cts.

"Manual of the Law of Roads and Highways." (Kansas) 9th ed. Paper, 25 cts.

"Studies in the Civil Law and Its Relations to the Jurisprudence of England and America, with References to the Law of Our Insular Possessions." By W. Wirt Howe. 2d ed. Sheep, $3.50.

"Institutes of Roman Law." By Gaius. With a Translation and Commentary by E. Poste. 4th ed. by E. A. Whittuck. Cloth, $5.35 net.

"Corporations." By J. Patterson Davis. Cloth. $4.50 net.

"The Abolition of Grade Crossings in Massachusetts." By Arthur W. Blakemore. Cloth, 75 cts.

"Weimer's Law of Railroads in Pennsylvania 1893–1895." (A Supplement). Vol. 3. $6 net.

"The Law Relating to Income and Principal." By E. A. Howes, Jr. Cloth, $1 net.

"The Law of Crimes." By J. W. May. 3d ed. by H. A. Bigelow. Buckram, $3 net. Sheep, $3.50 net.

"American Railroad Rates." By W. C. Noyes. Cloth, $1.50 net.

"Constitutional Law of England." By E. W. Ridges. Cloth, $4 net.

"The Law of Domestic Relations." By J. Schouler. Buckram, $3 net. Sheep, $3.50 net.

"A Manual Relating to the Formation and Management of Mercantile and Manufacturing Corporations in Massachusetts." By G. F. Tucker. 2d ed. Buckram, $3 net.

"Index to Laws of New York 1777 to 1901." By Archie E. Baxter. 3 Vols. $15 net. $16 delivered.

Recent Articles in Law Journals and Reviews.

"Alien Labour Legislation and the Courts."—41 Canada Law Journal, 628.

"The Constitutionality of General Arbitration Treaties."—17 Green Bag, 533.

"Restricting Competition in Contracts for Public Work—Test of Validity."—61 Central Law Journal, 204.

"The Exclusiveness of the Power of Congress over Interstate and Foreign Commerce."—53 American Law Register, 529.

"Responsibility for Chauffeur's Negligence."—31 National Corporation Reporter, 81.

"Rights of Life Tenant in Unopened Mines."—3 Delta Chi Quarterly, 123.

"When is Notice to an Agent Notice to His Principal?—61 Central Law Journal, 183.

"Motor Traffic on Bridges."—69 Justice the Peace, 410.

"The Lawyer in Public Affairs."—13 American Lawyer, 323.

"Alabama's New Corporation Law."—13 American Lawyer, 327.

"The XVI. Amendment — Its History and Evolution."—13 American Lawyer, 338.

"The History and Evolution of the Commerce Clause."—2 North Carolina Journal of Law, 393.

"Something Interesting about Juvenile Courts — Their Great Importance."—61 Central Law Journal, 161.

"Effect of Payment of a Promissory Note at Place of Payment Named in the Instrument."—61 Central Law Journal, 166.

"Reform of Our Land Laws."—11 Virginia Law Register, 359.

"The Microscopic Study of Pen and Ink Lines."—23 Medico-Legal Journal, 169.

"Medico-Legal Aspect and Criminal Procedure in the Poison Cases of the XVI. Century."—23 Medico-Legal Journal, 173.

"Habitual Inebriates in the Colonies and Dependencies."—69 Justice of the Peace, 435.

"The Law of Bank Checks (Practical Series)."—22 Banking Law Journal, 657.

"Christian Scientists and the Law."—4 Canadian Law Review, 435.

"Do Gas and Oil Contracts or Leases Convey or Affect Such an Interest in Real Estate as to Come within the Meaning of the Statute of Frauds Requiring All Conveyances of Real Estate, or an Interest Therein, or an Assignment Thereof, to be in Writing?"—61 Central Law Journal, 224.

"Right of Jurors to Consider Their Own Knowledge and Experience."—2 Bench and Bar, 95.

"Opinions of Lay Witnesses as to Insanity."—2 Bench and Bar, 102.

"Observations on Secretary Taft's Text of June 16, 1905, before the Yale Law School. ('A Comparative Study of Two Great Systems of the Law, the Roman or Civil Law and the Anglo-Saxon or Common Law.'—Judges; Jury Systems, etc.)"—28 New Jersey Law Journal, 267.

The Humorous Side.

HE FORGOT HIS CREED.—At the conclusion of a murder trial before the late Judge K—, holding a central New York circuit a few years ago, the citizens filled the court room to hear the verdict. A prominent attorney from another county, who was also a prominent official in the Presbyterian church, and was well known to the judge, was retained in the following case. He entered the room just before the jury returned, and was directed by the sheriff to a vacant space behind the judge's chair. The throng, seeing his movement, followed him and crowded him against the chair. The verdict was guilty. The solemn duty of imposing the death sentence devolved upon the judge, but when he attempted to rise he was pinned fast. Annoyed, he cast an angry glance around to ascertain the cause of the obstruction. The attorney, disconcerted by the annoyance of the judge, pleaded the authority of the sheriff, saying: "I am here by grace," whereupon the judge retorted: "But I am here by election."

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